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Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council

Note verbale dated 14 July 2017 from the Permanent Mission of Australia to the United Nations addressed to the President of the General Assembly

The Permanent Mission of Australia to the United Nations presents its compliments to the President of the General Assembly and has the honour to refer to the candidacy of Australia for the Human Rights Council for the term 2018-2020 at elections to be held during the seventy-second session of the General Assembly.

In accordance with General Assembly resolution 60/251, the Permanent Mission has the further honour to attach a document setting out the voluntary pledges and commitments made by Australia reaffirming its commitment to the promotion and protection of all human rights (see annex).

The Permanent Mission would be grateful if the present note and its annex were circulated as a document of the General Assembly under item 115 (d) of the provisional agenda.

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Annex to the note verbale dated 14 July 2017 from the Permanent Mission of the Australia to the United Nations addressed to the President of the General Assembly

Candidature of Australia to the Human Rights Council, 2018-2020

Voluntary pledges and commitments pursuant to General Assembly resolution 60/251

1. The commitment of Australia to human rights is enduring; Australia is a country committed to the respect of fundamental rights and freedom. Australia was a founding member of the United Nations, and it has been an advocate ever since for the purposes and principles of the Charter of the United Nations.

2. Australia believes that human rights are universal, indivisible and inalienable. It believes that all people are entitled to respect, dignity and the protection of their rights. No one should be denied human rights on the grounds of gender, ethnicity, disability, age, religion, sexual orientation or gender identity.

3. Australia is committed to the aims and purposes of the Universal Declaration of Human Rights, which reflects its national values and is an underlying principle of its engagement with the international community.

4. Australia is a party to the seven core international human rights treaties. The Government of Australia also supports the United Nations Declaration on the Rights of Indigenous Peoples in both word and deed. We are a committed global leader on the rights of persons with disabilities. Australia will continue its active and constructive engagement at the Conference of States Parties to the Convention on the Rights of Persons with Disabilities. We also engage actively with the treaty bodies on the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination.

5. The Government has committed to ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by the end of 2017 in order to further strengthen the country's system of safeguards with regard to conditions in places of detention.

6. Australia consistently ranks in the top six "most free" countries in the world.[1] Equality and freedom are protected and promoted in Australia through legislative, policy and programme measures. All Government and non-governmental bills and disallowable legislative instruments are examined by the Parliamentary Joint Committee on Human Rights. Under the Australian system, the recognition and protection of many basic rights and freedoms are enshrined in common law.

7. In its international representations, Australia is principled and pragmatic, focusing on outcomes, while recognizing that every country has different economic, social and political circumstances. During its term on the Security Council from 2013 to 2014, Australia delivered concrete solutions on issues with human rights dimensions. For example, it secured the first Security Council resolution on small arms trading and the important role played by police in peacekeeping and peacebuilding. Australia would bring that practical perspective to the work of the Human Rights Council. Australia will advance human rights in ways that will have a positive, systemic effect over time.

[1] Freedom House, *Freedom in the World 2017* (New York, 2017). Available from https://freedomhouse.org/report/freedom-world/freedom-world-2017.

8. In line with its longstanding commitment to promote and protect human rights and its support for the role of the United Nations, Australia is pleased to make pledges in line with its five campaign pillars.

A. Pillar one: advance the rights of women and girls

9. Achieving gender equality is vital to economic development, peace and security, and to realizing the full potential of women, men, girls and boys. Australia is strongly committed to working with the international community to advance the rights of women and girls across the world.

10. Australia is a pioneer of women's rights. Gender equality is enshrined in its laws. Australia believes that enhancing women's voices in decision-making, leadership and peacebuilding is vital, and Australia will remain at the forefront of international efforts to support the full and equal realization of the human rights of women and girls.

Australia pledges to:

- Work collaboratively across all regions and forums to eliminate violence against women, support women's voices and agency and increase and enhance economic opportunities for women. Australia supports the role of the Commission on the Status of Women in pursuing a global normative policy on gender equality and the empowerment of women. As a member of the core group on equal nationality rights, it will continue to play a leadership role in promoting gender equality in the Human Rights Council and will promote the mainstreaming of language on gender equality throughout the work of the Council;
- Work with other governments and civil society to convert the objectives of the women, peace and security agenda into effective action. Australia will continue to implement its National Action Plan on Women, Peace and Security 2012-2018;
- Continue to advocate internationally for the equal participation of women in political, economic and social affairs. Australia is one of the few countries to have a dedicated ambassador for women and girls who works to promote gender equality, gender empowerment and ending violence against women. Australia is also a top 10 donor to the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). Earlier this year, Australia reaffirmed its support for UN-Women, and will contribute $31.16 million over the next four years;
- Pursue gender equality through its international development programme, ensuring that at least 80 per cent of Australian aid investments effectively address gender issues in their implementation, no matter what their principal objective;
- Continue to fund projects to end violence against women globally and defend and promote sexual and reproductive health rights, and continue to work towards universal access to these essential services;
- Advance gender equality across Australia through Government policies and programmes that consider the needs of different groups of women, particularly those who may face multiple barriers to full participation in work and community life. All Australian Ministers and departments share the responsibility for delivering equality for women, through liaison with the Office for Women;

- Review existing national policies and reinforce practical measures to remove all forms of gender-based discrimination in Australia;
- Improve the economic security of women by closing the gender gap in Australia in terms of pay, retirement income and savings, particularly for women with low incomes;
- Commit to ensuring gender equality on Government boards. Australia is on track to achieve this target for women in leadership, with women comprising 41 per cent of current positions;
- Work to ensure that women and their children in Australia are safe from violence. In 2017, the Government allocated an additional $100 million to its National Plan to Reduce Violence against Women and their Children 2010-2022.

B. Pillar two: promote good governance and stronger democratic institutions everywhere

11. Good governance, the rule of law and strong institutions are the foundations of a functioning, responsive society. They are essential for promoting and protecting human rights.

12. At home, Australia will continue to promote good governance and strong democratic institutions, ensuring that its public institutions are transparent, accountable and responsive to the needs of its people.

Australia pledges to:

- Through its development programmes, provide support to States to strengthen their public services and develop effective rule of law and justice agencies to ensure public safety and security;
- Continue its strong commitment to the global abolition of the death penalty. Australia considers the application of the death penalty to be a violation of basic human rights, fundamentally incompatible with the right to life and potentially inconsistent with the right to be free from cruel, inhuman and degrading punishment;
- Develop and implement a whole-of-government strategy for advancing the global abolition of the death penalty, including efforts through the Human Rights Council. Australia has signed the Second Optional Protocol to the International Covenant on Civil and Political Rights, and has formally abolished the death penalty;
- Reaffirm its strong commitment to the International Criminal Court and its essential role in fighting impunity for crimes of genocide, war crimes and crimes against humanity. Australia will cooperate with the Court, including through robust political support and technical assistance; work to ensure that the Court has adequate budgetary resources to fulfil its mandate; and support initiatives to promote the genuine and effective investigation and prosecution of international crimes within national jurisdictions, including bolstering political will and technical capacity.

C. Pillar three: promote and protect freedom of expression

13. Freedom of expression is a fundamental part of a vibrant democracy and a culture of accountability. It underpins good governance and stronger institutions.

The national and international policy initiatives of Australia place strong emphasis on protecting the core human right to freedom of expression.

14. Australia defends the right of all its citizens to express their views, including those with controversial views, provided they remain within the framework of Australian law.

15. Australia believes that the threat to the safety of journalists is an affront to all countries that embrace fundamental human rights and freedoms, especially freedom of expression. In June 2017, it participated in a multi-stakeholder consultation on strengthening the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity.

Australia pledges to:

- Advocate internationally for the protection of journalists, human rights defenders and civil society in United Nations forums, including in the universal periodic review process of the Human Rights Council, as well as through bilateral and regional representations;
- Support the ongoing programme of work on freedom of expression of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Australia is a member of the "group of friends" supporting the work of UNESCO on the safety of journalists. Australia is also a member of the Geneva-based Group of Friends on the Safety of Journalists;
- Work with other countries to ensure that individuals are able to enjoy the same human rights both online and offline, such as freedom of expression, including through its work as an active member of the Freedom Online Coalition;
- Continue its advocacy, including in the Human Rights Council, for the enjoyment of freedom of religion or belief by all persons, including through its membership of the International Contact Group on Freedom of Religion or Belief. In 2017, the Australian Minister for Foreign Affairs asked the parliamentary Joint Standing Committee on Foreign Affairs, Defence and Trade to inquire into the status of the human right to freedom of religion or belief.

D. Pillar four: advance the human rights of indigenous peoples around the globe

16. Australia is committed to providing opportunities to assist indigenous peoples, both in Australia and overseas, to overcome social and economic disadvantages.

17. Australia is are proud to be the home of the world's oldest continuous culture. Indigenous Australians are represented in every aspect of public life, and have the enduring support of the Government and the broader community.

18. Nationally, the Government is working with organizations and representative bodies, such as the Australian Human Rights Commission, the National Congress of Australia's First Peoples and the Indigenous Peoples Organization Network, to raise awareness of the Declaration on the Rights of Indigenous Peoples and draw connections between national activity and the principles of the Declaration.

Australia pledges to:

- Actively engage with multilateral processes affecting indigenous peoples, including through discussions at the Permanent Forum on Indigenous Issues, and strengthen the Expert Mechanism on the Rights of Indigenous Peoples;

- Support the Declaration on the Rights of Indigenous Peoples in both word and deed, including the promotion of the Declaration's principles through national engagement, and internationally through its aid programme;
- Continue efforts to increase the participation of indigenous peoples in all relevant processes and mechanisms of the United Nations human rights system. Australia will continue to contribute to the United Nations Voluntary Fund for Indigenous Peoples to support the participation of indigenous peoples in relevant meetings;
- Advance the economic rights of indigenous peoples and harness the knowledge and expertise of indigenous Australians in the design and delivery of its aid programme. We recognize that indigenous businesses can provide expert, culturally appropriate, "peer-to-peer" assistance to other indigenous communities in developing countries;
- Pursue a referendum to recognize Aboriginal and Torres Strait Islander peoples under the Constitution. Australia is determined to ensure that no Australian is subject to violence and discrimination, and it strives to realize the economic, social and cultural rights of all citizens, but recognizes that there is more work to be done, particularly for indigenous Australians;
- Recognizing the need for a collaborative approach, tackle indigenous disadvantage in partnership with the Aboriginal and Torres Strait Islander peoples to improve health, education and employment outcomes, including through a refresh of the Closing the Gap agenda.

E. Pillar five: promote strong national human rights institutions and capacity-building

19. Independent national human rights institutions and a strong and robust civil society play a crucial role in preserving and advancing human rights. Australia is a strong advocate for strengthening the capacity of national human rights institutions to promote and protect human rights.

Australia pledges to:

- Work with other States to support their implementation of international human rights obligations and provide assistance to help them increase awareness of human rights, address human rights violations and abuses and hold those responsible to account;
- Promote regional cooperation on human rights and work to build the capacity of and strengthen national human rights institutions and civil society, especially in the Indo-Pacific region. Australia will continue its efforts to increase the formal role of national human rights institutions in the major processes and mechanisms of the United Nations human rights system. It will highlight the importance of national human rights institutions through its leadership in the Human Rights Council, and will continue to champion the resolution supporting national human rights institutions in the work of the Council;
- Maintain the A-status accreditation of the Australian Human Rights Commission. The Commission is an independent statutory body, the functions of which include providing education and awareness-raising on human rights, investigating and reconciling complaints of unlawful discrimination, conducting national inquiries and reporting on issues of human rights concern. The Commission is headed by a President and has seven Commissioners: the

Aboriginal and Torres Strait Islander Social Justice Commissioner; the Age Discrimination Commissioner; the Children's Commissioner; the Disability Discrimination Commissioner, the Human Rights Commissioner; the Race Discrimination Commissioner; and the Sex Discrimination Commissioner;

- Engage with and consider the views of civil society through both formal and informal mechanisms in the development of policies, legislation and programmes. Australia hosts an annual forum on human rights with non-governmental organizations to ensure a comprehensive and ongoing consultation mechanism. Even if the Government may not always agree with the views of civil society, it welcomes vigorous community debate and does not impede civil society from expressing their views.

F. Commitment to international human rights

20. Australia has a proud tradition of positive engagement with international human rights mechanisms. It is actively engaged in the United Nations human rights system, including sessions of the Human Rights Council and the Third Committee of the General Assembly. The universal periodic review process is an important mechanism for strengthening human rights globally. In the light of this, Australia takes the floor on every country under review.

21. Australia welcomes open discussion of the complex challenges that prevent the full realization of individuals' rights, both in Australia and across the globe. Constructive engagement with the treaty bodies enables all States to reflect on their achievements, consider areas where improvements can be made and benefit from best practices and lessons learned.

Australia pledges to:

- Support the independent mandate of the United Nations High Commissioner for Human Rights and his Office;
- Uphold its open invitation for visits by special procedures mandate holders, as demonstrated by the five visits from Special Rapporteurs that Australia has received in the past year, which shows its commitment to being open to scrutiny;
- Promote the participation of civil society and human rights defenders, and underscore the importance of protection against reprisals;
- Promote and support universal participation in the Human Rights Council, including through its longstanding commitment as the largest and longest-standing donor to the voluntary trust fund for the participation of least developed countries and small island developing States in the work of the Human Rights Council
- Support implementation of the 2030 Agenda for Sustainable Development nationally, regionally and globally;
- Provide a generous and non-discriminatory humanitarian resettlement programme in response to the global refugee crisis. Australia consistently ranks in the top three countries for resettlement of refugees referred by the Office of the United Nations High Commissioner for Refugees. The Government is significantly increasing humanitarian assistance for displaced communities. In addition to providing immediate life-saving assistance, Australia funds efforts to build the resilience and restore the dignity of those displaced, including through education and livelihoods. At the national level, the Government delivers settlement services to enable the participation of new

arrivals as quickly and as fully as possible in Australian society and the economy;

- Welcome people from every nation and celebrate diversity. Australia remains committed to combating racism and xenophobia. It is one of the most multicultural nations in the world, and its citizens identify with about 300 ancestries. Australia has drawn on this diversity to build a cohesive and tolerant society with shared common values, such as respect, equality, inclusion, freedom and the rule of law. In this regard, Australia has some of the most advanced laws in the world, including on intersex status;

- Promote and enhance regional cooperation to combat trafficking in persons and slavery. Australia is actively supporting efforts to improve international cooperation on migration and trafficking in persons. This includes: taking part in the high-level review of the United Nations Global Plan of Action to Combat Trafficking in Persons; participating in the Global Alliance to Eradicate Forced Labour, Modern Slavery and Human Trafficking and Child Labour; supporting the efforts of the United Nations to develop global compacts on migration and refugees; and co-chairing the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. Nationally, Australia has one of the strongest and most comprehensive responses to modern slavery in the world. In February 2017, Australia established a parliamentary inquiry into whether Australia should adopt national legislation comparable to the Modern Slavery Act 2015 of the United Kingdom of Great Britain and Northern Ireland;

- Embed key protections for persons with disabilities into national policies, laws and programmes. Australia is implementing its National Disability Strategy 2010–2020 and the National Disability Insurance Scheme. The aim of both is to improve the lives and inclusion of persons with disabilities in Australia. The Government spends approximately $800 million each year on the Disability Employment Service programme, which helps job seekers with disabilities to find and keep a job;

- Continue to support global efforts to promote the implementation of States' responsibility to protect, particularly measures that facilitate the early warning of potential mass human rights abuses and appropriate preventative and accountability mechanisms.